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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,316	03/01/2002	Adrian John Wayneforth Angell	7765XC	2096

27752 7590 08/12/2002

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[REDACTED]
EXAMINER

DOUYON, LORNA M

[REDACTED]
ART UNIT

[REDACTED]
PAPER NUMBER

1751

DATE MAILED: 08/12/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/087,316	ANGELL ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1751	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
Period for Reply			
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>01 March 2002</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL. 2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>			
Disposition of Claims			
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-20</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) <u>12-20</u> is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-11</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>			
Application Papers			
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p>			
<p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p> <p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p>			
<p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
Priority under 35 U.S.C. §§ 119 and 120			
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> 1.<input type="checkbox"/> Certified copies of the priority documents have been received. 2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). <p>* See the attached detailed Office action for a list of the certified copies not received.</p>			
<p>14)<input checked="" type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p>			
<p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>			
Attachment(s)			
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.</p>		<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p>	

Art Unit: 1751

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-11, drawn to a laundry detergent product, classified in class 510, subclass 276.
 - II. Claims 12 and 20, drawn to a process for forming free flowing cyclodextrin granules and process of using cyclodextrin in a laundry detergent, classified in class 510, subclass 513.
 - III. Claims 13-15, drawn to a process for forming free flowing cyclodextrin granules, classified in class 510, subclass 470.
 - IV. Claim 16, drawn to a process for forming cyclodextrin-detergent agglomerates, classified in class 510, subclass 444.
 - V. Claims 17-19, drawn to a process for removing malodor from laundered items during automatic laundry washing, classified in class 8, subclass 137.
2. The inventions are distinct, each from the other because of the following reasons:
Inventions II, III or IV and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the

Art Unit: 1751

instant case the product as claimed can be made by another and materially different process such as spray drying.

Inventions I and V are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as claimed can be practiced with another materially different product such as other perfumed laundry detergent compositions.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Julie Glazer on August 6, 2002 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-11. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-20 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Art Unit: 1751

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Abstract

6. The abstract of the disclosure is objected to because it need not recite “The present invention provides”. Correction is required. See MPEP § 608.01(b).

Claim Objections

7. Claims 4 and 6 are objected to because of the following informalities:

In claim 4, line 3, the variables m, n and y should be re-written as subscripts.

In claim 6, line 4, “carboxymethyl” is misspelled.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 1751

Claim 6 is indefinite because the recited hygroscopic powders are organic compounds and not inorganic compounds.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nebashi et al. (US Patent No. 4,992,198), hereinafter “Nebashi”.

Nebashi teaches a high density, granular, concentrated detergent composition which comprises 10 to 60 wt% of a surfactant, 30 to 80 wt% of a builder and 0.1 to 5 wt% of perfume-clathrate granules which is also called perfume-inclusion compound, the perfume-clathrate granules having an average size of 100 to 1500 micrometers (see col. 2, lines 43-59). Nebashi also teaches that the inclusion compound is preferably β -cyclodextrin (see col. 3, lines 18-22). The inclusion compound of the perfume can be prepared by gradually adding a perfume to a slurry or an aqueous solution of an inclusion compound while stirring the slurry or aqueous solution, collecting a perfume inclusion material by filtration and drying the perfume inclusion material (see

Art Unit: 1751

col. 3, lines 25-31). The powdered perfume is granulated by dry or wet process by making use of a binder, in the wet process, water is used in combination with the binder (underlinings supplied, see col. 3, lines 33-37). The powdered perfume is mixed with a binder and further, if necessary, an extender, such as Glauber's salt, a physical property improver for a powder, such as silica, and other additives (see col. 3, lines 48-51). In granulating the powdered perfume, it is preferred that the perfume inclusion material powder, the binder, the extender, and the physical property improver for a powder be used in respective amounts of 20 to 80 parts by weight (hereinafter abbreviated to "parts"), 5 to 35 parts, 15 to 50 parts, and 0 to 5 parts, respectively (underlinings supplied, see col. 3, lines 53-59). The detergent composition also comprises enzymes such as protease, esterase, lipase and cellulase (see col. 6, lines 19-20). Nebashi, however, fails to disclose perfume-clathrate granules formed from a mixture of cyclodextrin, Glauber's salt or silica and an aqueous medium like water and its loading factor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have prepared the perfume-clathrate granules from a mixture of cyclodextrin, Glauber's salt or silica and an aqueous medium like water because the teachings of Nebashi encompass these ingredients and to reasonably expect its loading factor to be within those recited because granules having the same ingredients with overlapping proportions have been utilized.

11. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Surutzidis et al. (WO 98/12298), hereinafter "Surutzidis".

Art Unit: 1751

Surutzidis teaches a particulate laundry additive composition in the form of granules, agglomerates, laundry bars or pastilles (see page 1, lines 5-9), which is prepared by inputting an aqueous mixture of a first encapsulating material and porous carrier particles into an extruder, and thereafter, extruding the first encapsulating material which is preferably a glassy carbohydrate material with porous carrier particles preferably loaded with perfume so as to form a hot extrudate, cooling and grinding the extrudate into granules having a median particle size in a range from about 150 microns to about 1100 microns (see page 3, last paragraph to page 4, line 5; page 5, last paragraph to page 7, line 28). Suitable porous carrier particles include zeolite, carboxyalkylcelluloses, cyclodextrins, porous starches and mixtures thereof (see page 12, lines 27-34). The zeolite porous carrier particle is represented by $M_{m/n}[(AlO_2)_m(SiO_2)_y].xH_2O$, where n is the valence of the cation M, x is the number of water molecules per unit cell, m and y are the total number of tetrahedra per unit cell, and y/m is 1 to 100, and M can be Group IA and Group IIA such as sodium and calcium (see page 13, lines 3-7). The laundry additive composition is useful with other adjunct laundry or cleaning ingredients like surfactants, builders and enzymes (see page 19, lines 19-23; page 20, last paragraph). Surutzidis, however, fails to disclose particulate laundry additive composition formed from a mixture of cyclodextrin, zeolite or starch and an aqueous medium and its loading factor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have prepared the particulate laundry additive composition from a mixture of cyclodextrin, zeolite or starch and an aqueous medium because the teachings of Surutzidis

Art Unit: 1751

encompass these ingredients and to reasonably expect its loading factor to be within those recited because particulates having similar ingredients have been utilized.

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Surutzidis as applied to the above claims, and further in view of Shindo et al. (US Patent No. 5,853,430), hereinafter “Shindo”.

Surutzidis teaches the features as described above. In addition, Surutzidis teaches that the detergent compositions are prepared from mixtures of base granules, admixed agglomerates and other admixed ingredients (see Examples II and III on pages 23-27). Surutzidis, however, fails to disclose the bulk density of the detergent composition and the bulk density of the non-particulate laundry detergent product.

Shindo teaches a similar detergent composition prepared from blown powder, agglomerates and other additives having a bulk density of 700 g/l (see Example 13, line 55 to col. 37, line 25). Shindo also teaches that the detergent composition can be in granular or tablet form (see col. 5, lines 39-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the detergent composition of Surutzidis to have a bulk density of 700 g/l because Shindo teaches such bulk density for a similar detergent composition and to prepare the detergent composition in bar or tablet form and reasonably expect the bulk density to be within those recited because similar ingredients have been utilized.

Art Unit: 1751

13. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references are considered cumulative to or less material than those discussed above.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 872-9311 - for Official After Final faxes
(703) 872-9310- for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

August 8, 2002

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
Art Unit 1751